

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2082 – SB 2033

February 27, 2016

SUMMARY OF ORIGINAL BILL: Adds definitions and clarifying language to the Tennessee Public Records Act, which is codified in Tenn. Code Ann. § 10-7-503. Requires the Office of Open Records Counsel to consult with the advisory committee on open government and develop a best practices model and public records policy.

Requires every governmental entity subject to the Tennessee Public Records Act to establish a written public records policy by January 1, 2017, that does not impose requirements on individuals requesting records that are more burdensome than state law. Requires public policy to include the process for making a request to inspect public records or receive copies of public records and a copy of any required request form; the process for responding to requests, including redaction practices; a statement of any fees charges for copies of public records and the procedures for billing and payment; and the name or title and the contact information of the individuals within such governmental entity designated as the public records request coordinator.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012820): Deletes from Section 4 of the bill the language “no later than January 1, 2017”, and replaces it with “no later than July 1, 2017”, which is the date by which governmental entities subject to the Tennessee Public Records Act are required to establish a written public records policy; and deletes from Section 7(a)(4) of the bill language that stated the Office of Open Records Counsel shall consult with the Advisory Committee on Open Government before publishing any final version of a model best practices and policy; and adds a new Section 8 to the legislation authorizing the Advisory Committee on Open Government to meet and provide written comments on the draft best practice model and public records policy to the Office of Open Records Counsel.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

HB 2082 – SB 2033

Assumptions for the bill as amended:

- The Office of Open Records Counsel will develop a model public records policy within existing resources without an increase in personnel.
- Any meeting held by the Advisory Committee on Open Government to provide written comments on the draft public records policy to the Office of Open Records Counsel will be conducted during regular office hours using existing resources.
- Governmental entities subject to the Tennessee Public Records Act will establish a written policy by July 1, 2017, within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj